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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,674	04/27/2001	Rajko Milovanovic	TI-29757	8437

7590

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EXAMINER

ENG, GEORGE

ART UNIT PAPER NUMBER

2643

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/843,674

Applicant(s)

MILOVANOVIC ET AL.

Examiner

George Eng

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 2 and 8-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
George Eng  
Primary Examiner  
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***Response to Arguments***

1. Applicant's arguments filed 10/13/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that neither Marks nor Tomitaka suggesting the steps of designating person in a whisper target mode, and diverting videophone mike and speakers out of shared audio to private conversation, and nothing in Robinson teaching the steps of determining location of the humans by determining the location of the faces in the image and controlling the camera to hop directly from human to human using the location of faces, it is noted that the rejection clearly pointed out Marks discloses method of acquisition of participants a video telephony session comprising the steps of building a visual enumeration list of targets, i.e., face of participants, (154, figure 5), in the video telephony session for a camera (130, figure 1) to focus on, determining the locations of the targets by determining the location of the target images, and controlling the camera to hop directly from target to target using the location of the target images (col. 2 line 23 through col. 5 line 63), wherein the target images (420 and 520 figure 6) include the faces of participants, and Tomitaka teaches a camera system enabling surely and suitably to operate and match any change of an object relative to the video camera by comparing a received bit map from a camera with a stored bit map of the faces of participants (col. 3 lines 36-67 and col. 5 line 43 through col. 11 line 67). Thus, the combination of Marks

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and Tomitaka teaches all the claimed limitations except of designating person in a whisper target mode, and diverting videophone mike and speakers out of shared audio to private conversation. Accordingly, Robinson is used to teach a method of using wireless communication terminal (170) at different stations for performing a multimedia conference as shown in figure 1 capable of establish a private communication between two of more stations during a conference call so that a user is capable of initiating a private communication with other conferees or terminate the private communication (figures 5, abstract and page 6 line 12 through page 9 line 10). Since the rejection is based on the combining the teachings of Marks, Tomitaka and Robinson, the applicant's argument of Marks or Tomitaka individually not suggesting the steps of designating person in a whisper target mode, and diverting videophone mike and speakers out of shared audio to private conversation and Robinson individually not the steps of determining location of the humans by determining the location of the faces in the image and controlling the camera to hop directly from human to human using the location of faces are unpersuasive.

In response to applicant's argument that neither Marks nor Tomitaka, as well as Obata, suggests a voyeurism mode designating a target person viewing without notice, it is noted that the rejection clearly pointed out the combination of Marks and Tomitaka teaches all the claimed limitations except the voyeurism mode designating a target person for viewing without notice. Since Obata teaches providing a voyeurism mode, i.e., GLANCE event, during video communication, in order to viewing an intended receiver, i.e., a target person, without notice (col. 5 line 61 through col. 11 line 52). Note Obata clearly teaches to provide designated members' images to a sender from an image server when "GLANCE " is selected. Thus, one skill in the art would recognizes the "GLANCE" event capable of designating a target person for

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viewing without notice because the "GLANCE" event is directed to the communication between the sender and the image sever, which is not directed to a designating person, so that all the designating persons being viewed are not notified as they are being viewed at the time when the "GLANCE" event is selected by the sender. As a result, the combination of Marks, Tomitaka and Obata are enough to reject the broad claimed limitations.